

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**RICKY SABEDRA, 395270,
Petitioner,**

v.

**NATHANIEL QUARTERMAN, Director,
Texas Dept. Of Criminal Justice, Correctional
Institutions Division,
Respondent.**

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**3:08-CV-1841-M
ECF**

**FINDINGS CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b) and an order of the District Court, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge follow:

BACKGROUND

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has previously been sanctioned by the Court for filing frivolous lawsuits. On May 31, 2006, the Honorable Sam A. Lindsay ordered that Petitioner be barred from filing any other suits, including habeas corpus actions, unless he first obtains leave of court.

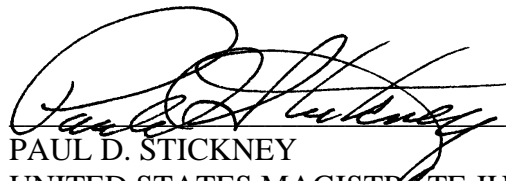
On October 3, 2008, Petitioner filed this petition in the United States District Court for the Southern District of Texas. On October 15, 2008, the Southern District of Texas transferred the action to this Court. Pursuant to Judge Lindsay's sanction order, where an action filed by Petitioner is transferred to this Court, Petitioner must seek leave of Court within thirty days of the transfer order, or the Court will summarily dismiss the action. More than thirty days have

passed since the order of transfer, and Petitioner has failed to seek leave of court to file this action. Consequently, the Court recommends that this action be summarily dismissed.

RECOMMENDATION

The Court recommends that the petition be DISMISSED without prejudice

Signed this 14th day of January, 2009.


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

The United States District Clerk shall serve a copy of these findings, conclusions and recommendation on Plaintiff by mailing a copy to him by United States Mail. Pursuant to Title 28, United States Code, Section 636(b), any party who desires to object to these findings, conclusions and recommendation must serve and file written objections within ten days after being served with a copy. A party filing objections must specifically identify those findings, conclusions or recommendation to which objections are being made. The District Court need not consider frivolous, conclusory or general objections. A party's failure to file such written objections to these proposed findings, conclusions and recommendation shall bar that party from a de novo determination by the District Court. See Thomas v. Arn, 474 U.S. 140, 150 (1985). Additionally, any failure to file written objections to the proposed findings, conclusions and recommendation within ten days after being served with a copy shall bar the aggrieved party from appealing the factual findings and legal conclusions of the Magistrate Judge that are accepted by the District Court, except upon grounds of plain error. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).